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Ronald D. Davis, Ed.D.
Associate Professor of Broadcasting

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October 5, 1995

William Caton, Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, D.C. 20554

Re: Children's Educational TV Rulemaking Comments

MM Docket No. 93-48

Dear Secretary Caton,

Enclosed are original and four copies of my comments for your public file. I have addressed five more copies specifically to each commissioner.

Thank you for your attention.

Sincerely,


Ronald D. Davis

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FCC Commissioners
c/o William Caton, Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
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Re: Children's Educational TV Rulemaking Comments

MM Docket No. 93-48

Dear Commissioner,

Broadcast television licensees do not adequately serve the public interest if they refuse to recognize and serve the needs of children.

Using marketplace or first amendment arguments cannot absolve licensees from their public service commitment. If regulation, and subsequent programs, are constructed properly, the right to free speech through television will be extended to more people (not just the broadcaster). It is possible for broadcasters to produce and air programs without suffering economic damage.

The FCC should require licensees to show that they have assessed and met children's informational needs. It would be a bonus if programming information stimulates activities that benefit children. Ideally, children need a sufficient amount of programming, including locally produced programs, aired when children and adults are available to watch together.

I doubt that broadcast decision-makers oppose helping children. However, they do feel more responsible to the bottom-line and do fear losing a competitive edge by airing children's programs. Regulation will serve to put all broadcasters on an even competitive playing field. Then, among all participants, clever ways will emerge to produce programs that meet the needs of children while satisfying broadcasters' criteria.

In response to your proposed rule making, I am submitting the following outline as a recommendation to structuring fair and effective regulation. I am supporting several ideas that you are considering. In addition, based on my experience, I am strongly urging you to consider requirements for locally produced programs.

Keep it simple - Create only a few requirements that are:

- Effective. (Meet informational needs of children.)
- Easy to communicate.
- Easy to measure.

Keep requirements objective:

- Quantify hours - Start at three hours/week/station - grow to five hours/week/station.
- Define "reasonable hours." - Consider the viewing habits of different age groups.
- Require local needs assessment to establish goals.
- Require a statement of goals and measurable informational objectives.
- Require broadcasters to validate that programs meet informational objectives.

Allow "program sponsorship" within each market.

This enables broadcasters the flexibility to work together to meet needs by marketing children's programs more effectively. This plan will work because:

Resources can be shared among stations.

Stations that choose, can feature children's block programming.

Cooperative contracts could include non-compete agreements making the small children's audience more attractive.

Cash or resources can be traded to defer programming costs.

Require locally produced children's programming in large markets and regionally produced programs in medium and small markets.

Quantify amount - one hour/week/station.

Local TV is better TV for kids - It can increase:

The producers' ability to address specific local needs.

Interactivity between the program and its audience.

Local, more relevant, content and role-models.

Community involvement.

A sense of program ownership by the audience.

The size of the audience.

Local programming can be produced inexpensively and competitively. I recently completed a study that suggests broadcasters can produce programming for children and not suffer economic damage. I developed an organization that combined the resources of a college television production facility and community volunteers. Together, we designed and produced experimental television programs. Four 30-minute programs were produced for a total cost of \$1300 (thirteen hundred dollars).

The primary goal was to meet the informational needs of children and attract a combined audience of children and adults. The programs aired on NTV (central Nebraska's ABC affiliate) during the 1994 May sweeps.

Initial success with these experimental programs yielded encouraging results:

- People were eager to participate in focus groups that had the potential to help children with television.
- Achievable goals and objectives were clearly defined.
- A network of volunteers was established and contributed to production.
- Producers created four 30-minute programs that aired on central Nebraska's ABC affiliate during the 1994 May sweeps.
- The program achieved a three rating at noon on Saturdays. Its network competition was an NBA play-off game and the CBS children's special. Each network program recorded a zero rating.
- The program attracted equal numbers of adults and children.
- Ninety percent of advertising time was sold.
- Post testing showed that the central target audience (children in grades four to six) retained information as intended.

If we can achieve these goals here, others can achieve them elsewhere.

At different times, broadcasters perceived specific types of programming not economically viable (local news - *Sesame Street* for commercial use, and - FM radio). They were proven wrong. Local news programs now have multimillion dollar budgets in some markets and the Children's Television Workshop earns over \$200,000,000 each year in character licensing fees alone. It's hard to believe that there was a time when few people believed in these ideas - the same is true of FM Radio. Twenty years after the invention of FM, the FCC adopted the Nonduplication Rule that forced licensees to air FM programming independently. This action moved FM out of the shadow of AM, provided a superior service to the public, and eventually helped the broadcasters who were required to act.

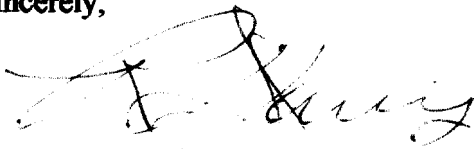
It's hard for me to believe that quality programming for children will not be equally successful. The process to achieve success will be initiated when you enact regulation that enables broadcasters to better serve children.

I have attempted to suggest and support the idea that quality local television for children is needed and is an obligation of each licensee. Once required to act by FCC regulation, broadcasters will collectively and systematically figure out how to economically produce programs that provide service to children.

I have tried to show that it can be done. I think broadcasters already know it can be done. But, they have proven over the past sixty years that, unless required, they will not "just do it."

In short, if you demand the programming, and keep regulation objective and simple, kids and communities will be better off and broadcasters will be not be damaged.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Davis", with a large, stylized flourish above the name.

Ronald D. Davis, Ed.D.

cc Dr. Richard Hoover, President
Hastings College